

THE CORPORATION OF THE TOWN OF THESSALON

BY-LAW NUMBER 2137

BEING A BY-LAW to amend the policy for the prevention of Violence and Harassment in the Workplace.

WHEREAS Section 10 (2), Subsection 6 of the Municipal Act, R.S.O. 2001, c. 25, as amended, provides that a single-tier municipality may pass by-laws respecting health, safety and well-being of persons;

AND WHEREAS the Corporation of the Town of Thessalon is required to comply with Bill 132, an Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters (in force September 8, 2016);

THEREFORE The Council of The Corporation of the Town of Thessalon hereby **ENACTS AS FOLLOWS:**

1. THAT the Violence and Harassment in the Workplace Policy, being Schedule "A" attached to and forming part of this by-law, is hereby amended.
2. THAT By-law Number 1722 is hereby repealed.
3. THAT this by-law shall come into force and take effect immediately upon the final passing thereof.

PASSED in open Council this 19th day of September, 2016.

MAYOR

Seal

CLERK-TREASURER

THE CORPORATION OF THE TOWN OF THESSALON

BY-LAW NO. 2137

VIOLENCE AND HARASSMENT IN THE WORKPLACE POLICY

SCHEDULE 'A'

POLICY

The Town of Thessalon recognizes the potential for violence and harassment in the workplace. We will therefore make every reasonable effort to identify all the potential sources of such risk to eliminate or minimize them through our Workplace Violence and Harassment Prevention Program.

The Town of Thessalon will not tolerate any type of violence or harassment within the workplace or during work-related activities. The Town of Thessalon is committed to allotting whatever time, attention, authority and resources necessary to ensure a safe and healthy working environment for all employees and clients to whom we provide care. We will take every reasonable precaution to protect an employee from physical injury if we become aware, or believe, that domestic violence is a risk.

RATIONALE

The Town of Thessalon complies with Bill 132, an Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters (in force September 8, 2016).

DEFINING WORKPLACE VIOLENCE AND HARASSMENT

Violence and harassment in the workplace can have devastating effects on employees' quality of life and organizational productivity.

Workplace violence is:

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or,
- a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.

Workplace sexual harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

ROLES AND RESPONSIBILITIES OF WORKPLACE PARTIES

Town of Thessalon:

- The Town of Thessalon has a responsibility to be aware of what is happening in the workplace. All incidents of harassment will be treated seriously. We will act on all complaints and ensure that they are resolved quickly, confidentially, and fairly. The Town will conduct an investigation of a workplace harassment incident or complaint that is appropriate in the circumstances. We will discipline using the steps outlined in our Progressive Discipline Policy for The Town of Thessalon Employees. No manager or employee will be penalized or reprimanded when acting in good faith while following the procedures for addressing incidents of workplace violence.

- Post a copy of this policy in the workplace.
- Conduct regular risk assessments.
- Establish control measures.
- Develop a reporting process for incidents of workplace violence and harassment.
- Investigate all reports or threats of violence/harassment in a prompt, objective and sensitive way.
- Take corrective action.
- Provide response measures.
- Facilitate medical attention and support for those involved directly or indirectly.
- Ensure any deaths or critical injuries are reported to a Ministry of Labour (MOL) inspector, the police (as required), JHSC or H&S representative and trade union, as well as investigated with the JHSC. Send the report explaining the circumstances to all parties (if disclosure is necessary for the investigation or corrective action regarding the incident) in writing within 48 hours of the occurrence. Include information and particulars prescribed by the Occupational Health and Safety Act and regulations ensuring confidentiality.
- Ensure a report goes to WSIB of all the accidents where a worker loses time from work, requires healthcare, earns less than regular pay for regular work, requires modified work at less than regular pay or performs modified work at regular pay for more than seven days.
- Bill 132 provides the Ministry of Labour inspectors with the power to order that an employer engage a third party to conduct an investigation of workplace harassment complaint. The third party would be engaged at the employer's expense and would have to prepare a written report regarding the investigation.

Manager / Supervisor:

Each manager and supervisor is responsible for fostering a safe working environment, free of harassment. Managers must set an example for appropriate workplace behaviour, and must deal with situations of harassment immediately upon becoming aware of them, whether or not there has been a complaint. Every manager and supervisor shall make every reasonable effort to ensure that no employee is subjected to harassment.

Employee:

All employees have the responsibility to treat each other with respect, and to speak up if they or someone else is being harassed. All employees have a responsibility to report harassment to the appropriate person. All employees are responsible for respecting the confidentiality of anyone involved in a harassment complaint. Every employee is entitled to employment free of harassment.

- Participate in education and training programs so you can respond suitably to any incident of workplace violence or harassment.
- Understand and comply with the violence and harassment prevention policies and related procedures.
- Report all incidents or injuries of violence/harassment or threats of violence/harassment to your supervisor immediately. Should the incident be against the immediate supervisor, then the incident should be reported to the next level of management. Complete the Workplace Violence Incident Report.
- Contribute to risk assessments when necessary to identify potential areas of violence.
- Seek support when confronted with violence/harassment or threats of violence.
- Get medical attention when necessary.

REPORTING AND INVESTIGATION

- Workers are to report all violence-related incidents or hazards to their manager or supervisor. This report can be made confidentially at the employees' request. However, sharing information to ensure the safety of others and prevent recurrence may be necessary (e.g. contents of a police report).
- Information gathered about an incident or complaint of workplace harassment will not be disclosed unless necessary for the investigation or corrective action regarding the incident.

- The reporting worker may make the report confidentially without leaving a copy in the log, indicating the need for confidentiality to her/his direct manager or supervisor (or in that person's absence, to another manager or supervisor).
- The manager or supervisor receiving the report investigates it and ensures that measures are taken to safeguard employees and curtail the violence may be the basis of reprisal against the reporting employee.
- The employer reports all injuries to the MOL and WSIB as required by the Occupational Health and Safety Act and Workplace Safety and Insurance Act.

EMERGENCY RESPONSE MEASURES

Refer to the Town of Thessalon Emergency Response Plan.

SUPPORT FOR EMPLOYEES AFFECTED BY WORKPLACE VIOLENCE

Management will respond promptly, assess the situation, and act accordingly depending upon the severity of the workplace violence.

RISK ASSESSMENT

Management (with worker involvement) assesses workplace violence hazards in all jobs, and in the workplace as a whole. It reviews risk assessments annually, as well as when new jobs are created or job descriptions are changed substantially. It is recommended to record the results of the risk assessment and keep on file for reference.

REVIEW

The Town of Thessalon will review all measures, policies, and procedures put in place to prevent, minimize and control workplace violence/harassment annually.

REVIEWED	NEXT REVIEW
June 2010	June 2011
<i>September 2016</i>	<i>September 2017</i>